

# **RULES AND REGULATIONS**

**2 VAC 5-200-10 through 2 VAC 5-200-60**

(Previously VR 115-02-18)

Pertaining to

## **THE DISPOSAL OF ENTIRE FLOCKS OF DEAD POULTRY**

Virginia Department of Agriculture  
and Consumer Services

**DIVISION OF ANIMAL INDUSTRY SERVICES**

Office of Veterinary Services

P. O. Box 1163

Richmond, VA 23218

804-786-2483

**RULES AND REGULATIONS**

**Pertaining to**  
**The Disposal of Entire Flocks of Dead Poultry**  
(Previously VR 115-02-18)

Promulgated Pursuant to

Section 3.1-726

of the

Code of Virginia of 1950

as Amended

Adopted November 2, 1990  
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**REGULATIONS 2 VAC 5-200-10 through 2 VAC 5-200-60**

**Pertaining to  
THE DISPOSAL OF  
ENTIRE FLOCKS OF DEAD POULTRY**

Pursuant to the authority in Section 3.1-726 of the Code of Virginia (1950), as amended, the Board of Agriculture and Consumer Services adopts the following rules and regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry.

**2 VAC 5-200-10. Definitions.**

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

*"Dead poultry"* means poultry, exclusive of those intentionally slaughtered for food, which die or are destroyed as a result of a contagious and infectious disease upon any premises in the State.

*"Department"* means the Virginia Department of Agriculture and Consumer Services.

*"Disposal"* means the complete destruction of dead poultry in an incinerator or their proper disposition in a disposal pit, in a landfill, or by rendering.

*"Disposal pit"* means an opening dug in the ground that meets the Initial Site Screening Criteria for Burial of Dead Poultry, the terms of which are hereby incorporated by reference and specified in 9 VAC 20-101-120 of the Virginia Department of Waste Management, Solid Waste Management Regulations.

*"Entire flock"* means all of the poultry within one group of poultry that has been designated as a flock for a period of at least 21 days.

*"Flock"* means all of the poultry on one premises, except that, at the discretion of the Department, any group of poultry which is segregated from other poultry and has been so segregated for a period of at least 21 days may be considered as a separate flock.

*"Incinerator"* means a firebox constructed of masonry or metal in which dead poultry is burned by the use of fuel.

*"Infectious and contagious disease"* means avian influenza and exotic Newcastle disease.

*"Landfill"* means an engineered land burial facility for the disposal of solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

*"Off-farm disposal site"* means any site for the disposal of dead poultry other than the farm on which the dead poultry died.

*"Person"* means any person, firm, partnership, corporation, or institution which engages in the raising or keeping of poultry for profit in this State.

*"Poultry"* means all chickens, ducks, turkeys or other domestic fowls being raised or kept on any premises in the State for profit.

*"Premises"* means the entire tract of land, including but not limited to the buildings thereon, owned, leased or used by any person for the raising or keeping of poultry for profit.

*"Raising or keeping of poultry for profit"* means the raising or keeping of five hundred or more poultry at one time for the purpose of sale of such poultry or the eggs produced therefrom.

*"Rendering"* means treating dead poultry according to the process described in 9 CFR section 381.95(a).

## **2 VAC 5-200-20.      Applicability.**

These regulations shall govern the disposal of dead birds by persons who raise or keep poultry for profit or who have entered into a contract for the raising or keeping of poultry for profit, but only when the entire flock is to be depopulated or when the entire flock dies. In all other instances Section 3.1-742 et seq. of the Code of Virginia, Disposal of Dead Poultry, shall govern.

## **2 VAC 5-200-30.      Disposal pits, incinerators, landfiling, or rendering required of persons raising or keeping poultry for profit.**

- A. It shall be unlawful for any person to engage in the raising or keeping of poultry for profit on any premises within the Commonwealth of Virginia, or to enter into a contract involving the raising or keeping of poultry for profit with any other person, unless the premises upon which such poultry is to be raised or kept is provided with or unless the person maintaining the premises whereon the poultry is raised or kept has access to:
  - 1. A disposal pit;
  - 2. An incinerator;
  - 3. A renderer through a bona fide contract for rendering;
  - 4. A landfill, through a bona fide contract for the disposal of dead poultry therein.
- B. Provisions governing disposal pits.
  - 1. If possible, an area away from public view should be selected.
  - 2. No person engaged in the raising or keeping of poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall construct or use any pit for the disposal of poultry unless it conforms to the definition of a disposal pit contained in this regulation.
  - 3. Any person engaged in the raising or keeping of poultry for profit and any person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall, before using a disposal pit, obtain approval for its use as required by state law.

C. Provisions governing incinerators.

1. If possible, an area away from public view should be selected.
2. No person engaged in the raising or keeping of poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall construct or use an incinerator for the disposal of dead poultry unless it is constructed of masonry or metal and has the capability to burn within a time frame approved by the State Veterinarian all poultry raised or kept on the premises at any time.
3. Any person engaged in the raising or keeping of poultry for profit and any person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall, before using an incinerator on his premises to dispose of birds, obtain approval for its use as required by state law.

D. Provisions governing bona fide rendering contract.

No person engaged in the raising or keeping of poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall dispose of dead poultry through rendering unless he has entered into a bona fide contract for the rendering of such dead poultry, which contract shall be part of the plan for disposal of dead poultry specified by 2 VAC 5-200-50 of this regulation.

D. Provisions governing bona fide contract with a landfill.

No person engaged in the raising or keeping of poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall dispose of dead poultry in a landfill unless he has entered into a bona fide contract for such disposal of dead poultry in a landfill, which contract shall be part of the plan for the disposal of dead poultry specified by 2 VAC 5-200-50 of this regulation.

**2 VAC 5-200-40. Exemptions.**

The State Veterinarian may authorize disposal of dead poultry by a method other than one prescribed in this regulation, so long as, in the opinion of the State Veterinarian, that method meets or exceeds the standards established by this regulation.

**2 VAC 5-200-50. Plans for disposal of dead poultry.**

- A. No person shall engage in the raising or keeping of poultry for profit and no person shall enter into a contract involving the raising or keeping of poultry for profit with any other person unless he files with the State Veterinarian a plan, embracing at a minimum provisions consistent with the requirements of this regulation for the disposal of an entire flock of dead poultry.
- B. No person may implement the plan or any amendment to it until it is approved by the State Veterinarian.
- C. Nothing in this section shall prohibit a person from filing a plan on behalf of its contract

growers.

**2 VAC 5-200-60. Transportation of dead poultry; sanitation.**

- A. No person may transport any dead poultry from any premises without the prior approval, granted by permit on a case-by-case basis, by the State Veterinarian or his representative.
- B. No person may transport dead poultry from a farm premises to any off-farm disposal site except in leak-proof containers or leak-proof trucks.
- C. No person may transport dead poultry from a farm premises to any off-farm disposal site unless the dead poultry is enclosed in the transporting vehicle so that feathers and other debris will not be released into the environment.
- D. No person may transport dead poultry from a farm premises to an off-farm disposal site unless:
  - 1. The containers are disinfected prior to loading on the truck and the exterior of the loaded truck disinfected prior to leaving the farm; and
  - 2. The entire truck is cleaned and disinfected after unloading at the off-farm disposal site and prior to leaving the off-farm disposal site.